

APPEAL NO. 172995  
FILED FEBRUARY 7, 2018

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on September 28, 2017, with the record closing November 20, 2017, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that: (1) the compensable injury of (date of injury), does not extend to aggravation of right wrist arthritis, aggravation of lumbar spine degenerative joint disease, aggravation of right knee degenerative joint disease, right knee meniscal tear, right shoulder derangement, sleep disorder, or post-traumatic stress disorder (PTSD); (2) the compensable injury of (date of injury), extends to a right scaphoid fracture; (3) the appellant (claimant) reached maximum medical improvement (MMI) on November 29, 2016; and (4) the claimant's impairment rating (IR) is 22%. The claimant appealed the ALJ's determination that the compensable injury does not extend to aggravation of right wrist arthritis, aggravation of lumbar spine degenerative joint disease, aggravation of right knee degenerative joint disease, right knee meniscal tear, right shoulder derangement, sleep disorder, PTSD, as well as the ALJ's MMI and IR determinations. The respondent (carrier) responded, urging affirmance of the appealed determinations. The ALJ's determination that the compensable injury extends to a right scaphoid fracture was not appealed and has become final pursuant to Section 410.169.

DECISION

Reversed and remanded for reconstruction of the record.

Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. No audio recording of the CCH is available for review. The file does not contain a transcript or an audio recording of the proceeding. Consequently, we reverse and remand this case to the ALJ who presided over the September 28, 2017, CCH, if possible, for reconstruction of the CCH record. See Appeals Panel Decision (APD) 060353, decided April 12, 2006.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the ALJ, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Department of Insurance, Division of Workers' Compensation, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See APD 060721, decided June 12, 2006.

The true corporate name of the insurance carrier is **BERKSHIRE HATHAWAY HOMESTATE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
d/b/a CSC-LAWYERS INCORPORATING SERVICE COMPANY  
211 EAST 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3218.**

---

Carisa Space-Beam  
Appeals Judge

CONCUR:

---

K. Eugene Kraft  
Appeals Judge

---

Margaret L. Turner  
Appeals Judge